UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,541	03/29/2004	Robert T. Uthe	4541-019	2249

67419   7590   07/23/2007
COATS & BENNETT/IBM
1400 CRESCENT GREEN
SUITE 300
CARY, NC 27518

EXAMINER
WONG, WILLIAM

ART UNIT	PAPER NUMBER
2178	

MAIL DATE	DELIVERY MODE
07/23/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/811,541	UTHE ET AL.
	Examiner	Art Unit	
	William Wong	2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 May 2007*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-19* is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some * c)☐ None of:

       1.☐ Certified copies of the priority documents have been received.

       2.☐ Certified copies of the priority documents have been received in Application No. _____.

       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
     Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

This action is in response to the communication filed on May 16, 2007.

- Claims 1, 3, 4, 14, 15, 16, and 18 have been amended.

Claims 1-19 are pending and have been examined. Due to applicant's amendment in

the communication, previous claim objections and rejection of claim 3 under 35

U.S.C. 112, second paragraph have been withdrawn. Rejection of claims 1-2, 5-9, and

11-19 under 35 U.S.C. 102(b) as being anticipated by Slatter (US 2003/0025812 A1),

rejection of claims 3-4 under 35 U.S.C. 103(a) as being unpatentable over Slatter (US

2003/0025812 A1) in view of Goldberg (US 6,341,183), and rejection of claim 10 under

35 U.S.C. 103(a) as being unpatentable over Slatter (US 2003/0025812 A1) in view of

Smith (US 2003/0132944 A1) are maintained.

Specification

1.   The use of the trademarks has been noted in this application (in paragraph 12 of

page 3, IBM and SUN MICROSYSTEMS). It should be capitalized wherever it appears

and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the

proprietary nature of the marks should be respected and every effort made to prevent

their use in any manner which might adversely affect their validity as trademarks.

Claim Rejections - 35 USC § 112

2.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3.   Claims 1, 14, 16 and 18 are rejected under 35 U.S.C. 112, first paragraph, as

failing to comply with the written description requirement. The claim(s) contains subject

matter which was not described in the specification in such a way as to reasonably

convey to one skilled in the relevant art that the inventor(s), at the time the application

was filed, had possession of the claimed invention. Applicant amends the above claims

to include the limitation "computer-generated". However, the specification does not

specifically state that the visualization of resources is generated by a computer, only

that the visualization is displayed by the computer system (in paragraph 15). Therefore,

it constitutes new matter.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5.   Claims 1-2, 5-9, and 11-19 are rejected under 35 U.S.C. 102(b) as being

anticipated by Slatter (US 2003/0025812 A1).

As per independent claim 1, Slatter teaches **a method of zooming in/out a**

current display of a computer-generated visualization of resources (in paragraphs

1-2, 45, and 55-59)**, each said resource having zero or more attributes** (in

paragraphs 15-16 and 35-36), **and each resource being a resource of interest if it has at least one attribute that matches predetermined criteria** (in paragraphs 15-16 and 35-36), **comprising: computing a future display area zoomed in/out from said current display by an initial factor** (in paragraph 15, *generates crop boundaries for each area of interest* and in paragraph 26-27, *view that area of interest with a level of zoom selected automatically by the image processor* or determined by the user); **positioning said future display area over said visualization to include the largest possible number of resources of interest** (in paragraph 28, *include as many of the areas of interest as possible*); **and replacing said current display with a view of said future display area** (in paragraph 14 and paragraph 29, *shows each of the views in turn*).

As per claim 2, the rejection of claim 1 is incorporated and Slatter further teaches **following positioning said future display area, further zooming in/out said future display area until resources of interest are proximate at least two edges of said future display area** (figure 2, paragraph 28, and paragraph 50).

As per claim 5, the rejection of claim 1 is incorporated and Slatter further teaches **wherein said initial factor is predetermined** (in paragraph 26).

As per claim 6, the rejection of claim 1 is incorporated and Slatter further teaches **wherein said initial factor is specified by a user** (in paragraph 26).

As per claim 7, the rejection of claim 1 is incorporated and Slatter further teaches **wherein said resources of interest are visually distinguished in said current display** (in paragraph 25).

As per claim 8, the rejection of claim 7 is incorporated and Slatter further teaches **wherein said resources of interest are visually distinguished by displaying indicia of interest associated with said resources** (in paragraph 25).

As per claim 9, the rejection of claim 1 is incorporated and Slatter further teaches **wherein said attributes that match predetermined criteria are predetermined** (in paragraphs 16, 35-36, and 49).

As per claim 11, the rejection of claim 1 is incorporated and Slatter further teaches **wherein said resources of interest have different degrees of priority, wherein at least one said resource of interest has a higher priority than at least one other resource of interest** (in paragraphs 35-36).

As per claim 12, the rejection of claim 11 is incorporated and Slatter further teaches **wherein positioning said future display area to include the largest possible number of resources of interest comprises positioning said future display area to include the largest possible number of resources having said higher priority** (in paragraphs 28 and 35-36).

As per claim 13, the rejection of claim 1 is incorporated and Slatter further teaches **wherein, if said future display area cannot include more than one resource of interest, positioning said future display area to include the largest possible number of resources of interest comprises positioning said future display area such that a single resource of interest is centered in said future display area** (in paragraphs 50).

As per independent claim 14, Slatter teaches **a method of zooming in a current display of a computer-generated visualization of resources** (in paragraphs 1-2, 45, and 55-59), **each said resource having zero or more attributes** (in paragraphs 15-16 and 35-36), **and each resource being a resource of interest if it has at least one attribute that matches predetermined criteria** (in paragraphs 15-16 and 35-36), **comprising: computing a future display area zoomed in from said current display by an initial factor** (in paragraph 15, *generates crop boundaries for each area of interest* and in paragraph 26-27, *view that area of interest with a level of zoom selected automatically by the image processor* or selected by the user); **positioning said future display area over said visualization to encompass the largest possible number of resources of interest** (in paragraph 28, *include as many of the areas of interest as possible*); **if the largest possible number of resources of interest that said future display area can encompass is one, positioning said future display area such that said one resource of interest is centered in said future display area** (in paragraphs 50); **and replacing said current display with a view of said future display area** (in paragraph 14 and paragraph 29, *shows each of the views in turn*).

As per claim 15, the rejection of claim 14 is incorporated and Slatter further teaches **prior to replacing said current display: if said largest possible number of resources of interest that said future display area can encompass is at least two, further zooming and positioning said future display area such that a resource of interest is proximate at least two edges of said future display area** (figure 2, paragraph 28, and paragraph 50).

As per independent claim 16, Slatter teaches **a computer system, comprising: a display device** (in paragraph 38, *a display*); **memory** (in paragraph 30); **and a processor operatively connected to said display device and said memory** (in paragraphs 14, 30, and 38), **for executing code operative to produce a current display on said display device depicting a computer-generated visualization of resources** (in paragraphs 1-2, 45, and 55-59), **each said resource having zero or more attributes** (in paragraphs 15-16 and 35-36), **and each said resource being a resource of interest if it has at least one attribute that matches predetermined criteria** (in paragraphs 15-16 and 35-36), **said processor operative to perform the steps of: computing a future display area zoomed in/out from said current display by an initial factor** (in paragraph 15, *generates crop boundaries for each area of interest* and in paragraph 26-27, *view that area of interest with a level of zoom selected automatically by the image processor* or selected by the user); **positioning said future display area over said visualization to include the largest possible number of resources of interest** (in paragraph 28, *include as many of the areas of interest as possible*); **and replacing said current display with a view of said future display area** (in paragraph 14 and paragraph 29, *shows each of the views in turn*).

As per claim 17, the rejection of claim 16 is incorporated and Slatter further teaches **prior to replacing said current display, further zooming and positioning said future display area such that a resource of interest is proximate at least two edges of said future display area** (figure 2, paragraph 28, and paragraph 50).

As per independent claim 18, Slatter teaches **a computer-readable medium that stores computer-executable process steps** (in paragraph 14, a computer readable medium storing the computer-executable process steps is inherent in order to perform the processing taught by Slatter) **for zooming in/out a current display of a computer-generated visualization of resources** (in paragraphs 1-2, 45, and 55-59), **each said resource having zero or more attributes** (in paragraphs 15-16 and 35-36), **and each said resource being a resource of interest if it has at least one attribute that matches predetermined criteria** (in paragraphs 15-16 and 35-36), **said computer-executable process steps causing a computer to perform the steps of: computing a future display area zoomed in/out from said current display by an initial factor** (in paragraph 15, *generates crop boundaries for each area of interest* and in paragraph 26-27, *view that area of interest with a level of zoom selected automatically by the image processor* or selected by the user); **positioning said future display area over said visualization to include the largest possible number of resource of interest** (in paragraph 28, *include as many of the areas of interest as possible*); **and replacing said current display with a view of said future display area** (in paragraph 14 and paragraph 29, *shows each of the views in turn*).

As per claim 19, the rejection of claim 18 is incorporated and Slatter further teaches **prior to replacing said current display, further zooming and positioning said future display area such that a resource of interest is proximate at least two edges of said future display area** (figure 2, paragraph 28, and paragraph 50).

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

7.   Claims 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Slatter (US 2003/0025812 A1) in view of Goldberg (US 6,341,183).

As per claim 3, the rejection of claim 1 is incorporated. Slatter teaches **an initial**

factor (in paragraphs 26 and 28), but does not specifically teach **in the range from**

115% to 130% for a zoom in, and in the range from 70% to 85% for a zoom out.

However, it was well known in the art at the time the invention was made for a zoom

factor to include the range from 115% to 130% for a zoom in, and the range from 70%

to 85% for a zoom out. Goldberg teaches zoom ranges from 25% to 800% (in column 5

lines 63-65), which include the above ranges. It would have been obvious to one of

ordinary skill in the art at the time the invention was made to modify the teachings of

Slatter with those zoom ranges to provide initial zooming in those ranges.

As per claim 4, the rejection of claim 1 is incorporated. Slatter teaches **an initial**

factor (in paragraphs 26 and 28), but does not specifically teach **120% for a zoom in,**

and 80% for a zoom out. However, it was well known in the art at the time the

invention was made for a zoom factor to include 120% for a zoom in, and 80% for a

zoom out. Goldberg teaches zoom ranges from 25% to 800% (in column 5 lines 63-65),

which include the above factors.   It would have been obvious to one of ordinary skill in

the art at the time the invention was made to modify the teachings of Slatter with those

zoom factors to provide initial zooming in those ranges.

8.   Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Slatter

(US 2003/0025812 A1) in view of Smith (US 2003/0132944 A1).

As per claim 10, the rejection of claim 1 is incorporated. Slatter teaches

attributes that match a predetermined criteria (in paragraphs 15-16 and 35-36), but

does not specifically teach **attributes selected by a user**. However, Smith teaches the

attributes selected by a user (in paragraphs 8, 136, and 145). It would have been

obvious to one of ordinary skill in the art at the time the invention was made to modify

the teachings of Slatter with the user-selected attributes of Smith to provide the user

with control over which attributes are of interest.

Response to Arguments

9.   Applicant's arguments filed May 16, 2007 have been fully considered but they are

not persuasive.

It is noted that applicant's amendment of the independent claims changed the

scope of the claims.

Applicant argues, in substance, that Slatter does not teach a computer-generated

visualization of resources. However, examiner respectfully disagrees.

Slatter's disclosed invention "relates to an <u>electronic image processing device</u>,

and in particular an <u>electronic camera</u>, having the aforementioned zoom facilities...

digital still camera" (paragraphs 1-2), which are forms of computing devices or

computers. The image created by the device is therefore computer-generated.

Applicant cites in particular paragraph 45, which describes one example of the

electronic image-processing device described in paragraph 1. According to paragraph

45, a photo-detector array (a device which senses light and converts it into an electrical

signal) coupled to an optical lens facilitates capturing of an image. The optical image

received by the photo-detector array is converted into an electronic signal that is passed

to the image processor of the device that causes a display apparatus to display an

electronic version of the image, hence, a computer-generated image. The processor of

the device would cause re-rendering of the displayed image (i.e. recreating the image)

when instructions to zoom in/out are given to the device, hence, also computer-

generated images.

It is noted that although the claims are interpreted in light of the specification,

limitations from the specification are not read into the claims. Applicant claims that a

graphic visualization cannot be a photograph. However, a broadest reasonable

interpretation of a graphic includes photographs and pictures. Applicant cites examples

including geographic and topographical maps, which include photographs and pictures.

A "visualization of resources" is broadly described as a virtual graphic representation of

a plurality of resources and the interconnections or interrelationships between the

resources. To give a specific example, Slatter discloses in paragraphs 55-59 an image

of a girl (a virtual graphic representation) showing different parts of the girl, such as

body, legs, arms, and head identified as regions of interest (plurality of resources and

interconnections or interrelationships between them), which therefore reads on

"visualization of resources". See above rejection for more examples and details. As

such, the rejections stand.

Conclusion

10.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure:

Microsoft, "Microsoft Computer Dictionary", 2002, Microsoft Press, Fifth Edition,

pg 118 provides a definition of "computer".

11.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to William Wong whose telephone number is 571-270-

1399. The examiner can normally be reached on M-F 7:30-5:00 EST with every other

Friday 7:30-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Stephen Hong can be reached on 571-272-4124. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/William Wong/

CESAR PAULA
PRIMARY EXAMINER